

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**DEFENDANT PRESIDENT DAVIS'S NOTICE REGARDING
UT AUSTIN'S INTENT TO COMPLY WITH EXPUNCTION ORDERS**

Defendant Interim UT Austin President James E. Davis, in his official capacity, (President Davis”) files this notice to notify the Court and Plaintiff that The University of Texas at Austin (“UT Austin”) has received Orders of Expunction (the “Orders”) from Travis County District Courts for six third-party individuals who were arrested by the UT Austin Police Department in April 2024, in connection with pro-Palestinian protests. Two of the individuals were arrested on April 24, 2024, the same day as Plaintiff. The other four individuals were arrested on April 29, 2024, in connection with a subsequent protest. The Orders require the UT Austin Police Department and, in one case, the UT Austin Office of the Dean of Students to destroy all records concerning the arrest of these individuals. UT Austin intends to comply by destroying all records covered by the Orders. *See Wallace v. Powell*, Civ. A. No. 3:09-CV-0286, 2009 WL 10671465, at *2 (M.D. Pa. July 2, 2009) (denying motion requesting district court order preservation of documents subject to an expunction order from Pennsylvania Supreme Court); *Ann L. v. X Corporation*, 133 F.R.D 433, 438 (W.D.N.Y. 1990) (granting order of suppression and precluding discovery of documents ordered expunged pursuant to New

York state).

Because the records at issue may contain information that could be relevant to this case, President Davis provides pre-compliance notice of UT Austin's intent to comply with the Orders of Expunction to provide Plaintiff an opportunity to take action in response to this Notice prior to the destruction of documents pursuant to the Orders. Accordingly, absent any motion or application by Plaintiff and subsequent order by this Court or a court of competent jurisdiction preventing or limiting UT Austin's compliance with the six Orders of Expunction, UT Austin intends to begin the process of destroying all covered records on or after May 5, 2025, which is twenty-one days following the date of this Notice.

Dated: April 14, 2025

Respectfully submitted,

/s/ Darren G. Gibson

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CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2025, a copy of the foregoing document has been electronically filed with the Court, and served on the following by CM/ECF:

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